

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORVIN FIGUEROA,)
Plaintiff,)
v.)
TENNESSEE DEPARTMENT OF)
CORRECTION,)
Defendant.)
No. 3:17-CV-517-TRM-CCS

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Plaintiff's Motion [Doc. 4], requesting that the Court reconsider his Application to Proceed In Forma Pauperis. By way of background, Plaintiff filed an Application to Proceed In Forma Pauperis with Supporting Documentation [Doc. 1]. The Court denied [Doc. 3] Plaintiff's Application, reasoning that Plaintiff earns \$2,700.00 per month and grosses \$1,900.00 per month. In addition, the Court noted that his Application only showed \$1,059.00 in expenses, indicating that Plaintiff was able to afford the filing fee.

In Plaintiff's instant Motion, he states that there was a miscalculation because his mortgage payment is currently \$870.00 per month but is normally \$995.99 a month. He continues that his utilities are from \$250.00 and \$380.60 per month and that his automobile insurance is \$249.00 per month. He explains that these expenses equal approximately \$1,500.00 per month and that this amount does not include gas, food, cell phones, and his children's expenses.

As an initial matter, the Court observes that in Plaintiff's Application, he did not include his mortgage payment. The Court has reconsidered Plaintiff's Application, and with the addition

of the mortgage payment expense, the Court finds Plaintiff is not able to pay the filing fee. Accordingly, Plaintiff's Motion [**Doc. 4**] is well-taken, and it is **GRANTED**. The Clerk of Court shall issue Summons, and the United States Marshal, or Plaintiff, shall serve a copy of the Complaint, Summons, and the instant Order upon Defendant as directed by Plaintiff. If the United States Marshal provides the service, all costs of service shall be advanced by the United States. If Plaintiff provides his own service, Plaintiff will bear his own costs.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge